**Smith** (<http://www.wisegeek.com/what-is-retribution.htm>) defines rehab as

**“Punishment intended to reform a convict so that she can lead a productive life free from crime.”**

Contrarily, retribution means

**“a penalty imposed for a crime** that is **designed to provide** some form of **compensation to the victim while** also **penalizing the offender.**

Thus, the distinction between rehab and retribution is grounded in the intentionality of punishment. Rehabilitation attempts to foster relationships to include agents in society, while retribution actively excludes from participation. Thus, the neg must show advantages of retribution based on the aim of ideology since both sides must appeal to intrinsic features of both systems.

And, the neg must have an explicit advocacy text defending the converse of the resolution proving a positive obligation exists to value retribution solely, else you affirm. This ensures reciprocity since the AC is bound to a unilateral advocacy which has the strongest internal to fairness to maintain competitive equity and stability is key to make them engage my arguments. Other interps make AC ground nonunique and unclear which is key as the basis for determining relevant arguments. Next, if the aff wins any offense to a counter interp or an I meet, vote aff—A) theory takes more time to respond to than to read skewing my 1AR strat—force the neg to defend their interp, B) Competing mutually exclusive interps force the aff into a double bind of being subject to theory no matter what is run in the AC so no neg RVIs. I’m forced to defend something in the 1AC so don’t drop me for violating.

Next, presume aff since the 57% neg bias (FantasyDebate) means affirming overcomes the greatest disadvantages—structural bias comes first as the only form that accounts for the ballot. Additionally, err to the side of treating people better since the aim of retribution is to punish—absent a reason against it we would innately choose to not violate rights.

I value morality. Agents lack the epistemic capacity to fully ground knowledge since people constantly come to new conclusions, making their perspective the most indicative of truth.

**Anker,** (Michael Anker, [PhD Dissertation] “The Ethics of Uncertainty: Aporetic Openings”, Atropos Press, 2009. Pg 25)

As mentioned and affirmed, all things (concepts, words, objects, subjects, etc.) are in a state of becoming. Gaining knowledge or insight into any of these particulars thus entails an unstable terrain.  **If some-thing is constantly in a state of** also **becoming some-thing other, there is no stable ground for absolute knowledge** and judgment. Furthermore, and to complicate matters even more so, **it is not only the object** being considered **that exists in a state of transformation, but** also **the “subject” doing the interpretation. What we have** left **is a** thoroughly **perspectival** (Nietzsche) **relation to viewing and interpreting what we see and know of this world**. By affirming this, **knowledge becomes not** a ground or **an end in itself, but the means for a continual perspectival shifting.** Perspectivism, as a thoroughly ungrounded and continuously shifting mode of interpretation, furthermore affirms the uncertainty of an indeterminate subject, object, and conceptual becoming.

Thus, ethical deliberation must focus on the processes that allow us to reach our subjective conclusions. This disagreement plagues any objectivist system since any agent’s view on a particular moral standpoint seems obviously correct to them. Additionally, the non-static nature of the subject prevents any absolutist account, since any moral guideline requires an actor to carry out the viewpoint.

Each person has their own strands of experience that make the unique, so ethics must focus on bridging the gap between agents.

**Nagel**, (Thomas, tight butthole philosopher, A View From Nowhere)

In the pursuit of this goal, however, even at its most successful, something will inevitably be lost. **If we try to understand experience** from an objective viewpoint that is distinct from that **of subject[s]** of the experience, **then** even if we continue to credit its perspectivial nature, **we will not be able to grasp its most specific qualities** unless we can imagine them subjectively. **We will not know exactly how scrambled eggs taste to a cockroach even if we develop a detailed objective** phenomenology of the cockroach **sense of [their] taste.** When it comes to values, goals, and forms of life, the gulf may be even more profound. **Since this is so, no objective conception of the mental world can include it all.** But in that case it may be asked what the point is of looking for such a conception. The aim was to place perspective and their contents in a world seen from no particular point of view. It turns out that some aspects of those perspectives cannot be fully understood in terms of an objective concept of mind. But if some aspects of reality can’t be captured in an objective conception, why not forget the ambition of capturing as much of it as possible? The world just isn’t the world as it appears to one highly abstracted point of view that can be pursued by all rational beings. And if one can’t have complete objectivity, the goal of capturing as much of reality as one can in an objective net is pointless and unmotivated. I don’t think this follows. The pursuit of a conception of the world that doesn’t put us at the center is an expression of philosophical realism, all the more so if it does not assume that everything real can be reached by such a conception. **Reality is not just objective reality, and any objective conception of reality must include an acknowledgment of its own incompleteness.**

As such, the only process that underlies normativity is the agent’s ability to express their desires in the societal realm. Social inclusion reconciles our subjectivity into an open forum that grants equal weight to opinions.

**Haste**, (Helen, professor of Education at Harvard University, "Communitarianism and the Social Construction of Morality." The Office for Studies in Moral Development and Education at University of Illinois at Chicago. 1998.)

Communitarian thinkers start from a very different psychological tradition. They emphasize t**he primacy of language and social interaction [are key] in the generation of meaning**. Taylor argues that human **life is 'fundamentally dialogic .... We become full human agents, capable of understanding ourselves**, and hence defining an identity, **through** our acquisition of rich human languages of **expression**. This aligns the communitarian ontological position with social constructionists like John Shotter and Rom HarrŽ who argue that the primary human reality is face-to-face conversation. **If social interaction is the crucible of meaning, then** the child **[one] learns** about morality **through discourse** and through social practices, both explicit and implicit. **The 'meaning' of** something - including the meaning of our own identity and **our morality depends on what is** comprehensible and **recognised within our social community**. Social beings create their identity through shared discourse and language. Communities are multiple; we are members of many communities which each offer us identity, and personal meaning, and within each different elements and skills are salient. **Cultural narratives**, stories and traditions **feed directly into our identity, signalling valued attributes** and behaviours, and giving [gives] an explanation for our past and present. Crucially, we also recognise that these are **shared by** those whom we thus define as **members of our community**. A moral obligation [morality] can only have meaning within a social context. Richard Shweder describes taboos and practices found amongst rural Hindus in India which are quite morally meaningless to Americans, because they are associated with beliefs about pollution which are not shared. However practices may be widely condemned, but for different reasons - believing that rape is wrong because it defiles the victim's purity, is very different from seeing it as wrong because treats her as an object rather than a person.

Even if another ethic was true, it could only be understood via interactions in the community, as any framework must take into account relations with one another. Inclusive discourse is a prerequisite for obligations to be normatively valid, as any ethic must facilitate inclusion to accurately derive truth.

**Habermas**, (Jurgen Habermas, The Inclusion of the Other: Studies in Political Theory, 1998 MIT Press, p. 4)

**In the absence of** a[n] substantive **agreement on particular norms,** the **participants must** now **rely on the “neutral” fact that each of them participates in *some* communicative form** of life **which is structured by linguistically mediated understanding.** Since **communicative processes** and forms of life **have certain structural features in common [allowing participants to]** they could **ask themselves whether these features harbor normative contents that could provide a basis for shared orientations.**Taking this as a clue, theories in the tradition of Hegel, Humboldt, and G.H. Mead have shown that communicative actions involve shared presuppositions and that **communicative forms** of life **are interwoven with relations of reciprocal recognition, and** to this extent, both **have a normative content.** These analyses demonstrate that **morality derives a genuine meaning**, independent of the various conceptions of the good, **from the** form and perspectival **structure of** unimpaired, **intersubjective socialization.**

Merely justifying an ethical theory as valid means nothing if the agent wouldn’t be included in the ethical conversation. Ethics are created through social interaction and form the basis for identity- only through discourse can we understand the value of life itself.

**Habermas 2**, (Jurgen, one of the most influential philosophers in the world, Remarks on Discourse Ethics, pg 109-110, 1994, MIT Press)

Social interactions mediated by the use of language oriented to mutual understanding are constitutive for sociocultural forms of life. This kind of communicative socialization through which persons are simultaneously individualized generates a deep-seated vulnerability, because **the identity of** socialized **individuals develops only through integration into** ever more **extensive relations** of social dependency. **The person develops** an inner **life and achieves** a stable **identity** only to the extent that he also externalizes himself in communicatively generated **[through] interpersonal relations and implicates himself in** an ever denser and more differentiated network of **reciprocal vulnerabilities**, thereby rendering himself in need of protection. From this anthropological viewpoint, morality can be conceived as [is] the protective in-situation that compensates for a constitutional precariousness implicit in the sociocultural form of life itself. **Moral institutions tell us how we should behave toward one another to counteract the** extreme **vulnerability of the individual through protection and considerateness**. Nobody can preserve his integrity by himself alone. **The integrity of** individual **persons requires the** stabilization of a **network of symmetrical relations of recognition** in which nonreplaceable individuals can **[to] secure their** fragile **identities in a reciprocal fashion only as members of a community.** Morality is aimed at the chronic susceptibility of personal integrity implicit in the structure of linguistically mediated interactions, which is more deep-seated than the tangible vulnerability of bodily integrity, though connected with it.

And, the state only derives its power to deliberate and make decisions from the communicative processes of its constituents.

**Flynn**, (Jeffery, Communicative Power in Habermas’s Theory of Democracy, Middlebury College, Vermont, European Journal of Political Theory)

Habermas argues that the attempt to interpret popular sovereignty in procedural terms must be ‘carefully defined so as not to divest popular sovereignty of its radical-democratic content’. He restates the principle of popular sovereignty in terms of discourse theory: ‘**all political power derives from the communicative power of citizens’**. As the medium for expressing the radical democratic content of popular sovereignty, ‘communicative power’ lies at the heart of the communication model of the political process. Habermas borrows the concept of communicative power from Hannah Arendt, while reformulating it. Arendt emphasizes that power is always something exercised in common, not by an individual: ‘Power corresponds to the human ability not just to act but to act in concert. **Power** is never the property of an individual; it **belongs to a group and remains in existence only so long as the group keeps together’**. In a similar formulation, she claims that ‘power springs up between men when they act together and vanishes the moment they disperse’. Habermas states that: . . . in contrast to Weber, who sees the fundamental phenomenon of power as the probability that in a social relationship one can assert one’s own will against opposition, Arendt views power as the potential of a common will formed in noncoercive communication. He focuses on Arendt’s view of political power in terms of ‘jurisgenesis’ and the authorizing force involved in the creation of laws and the founding of institutions. As Arendt puts it: **It is the people’s support that lends power to the institutions of a country**, and this support is but the continuation of the consent that brought the laws into existence to begin with. **All political institutions are manifestations and materializations of power; they petrify and decay as soon as the living power of the people ceases to uphold them.** Since communicatively generated power is not the same as administratively employed power, Habermas proposes a differentiation in the concept of political power. While only administrative power is suited to implement the law efficiently, he proposes that **we** distinguish administrative from communicative power and **view law as the medium for translating communicative power into administrative power**: For the transformation of communicative power into administrative has the character of an empowerment within the framework of statutory authorization. We can then interpret the idea of the constitutional state in general as the requirement that the administrative system, which is steered through the power code, be tied to the lawmaking communicative power and kept free of illegitimate interventions of social power (i.e. of the factual strength of privileged interests to assert themselves). **Law** is supposed to **act[s] as a transformer of communicative power and the exercise of state authority** through administrative power **is only legitimate if bound to this discursively generated communicative power.**

Thus, the standard is ensuring inclusion in discursive practices.

I contend that rehabilitation fosters inclusion in deliberation while retribution actively excludes agents from discourse.

First, rehab is key to promoting social dialogue ensuring a healthy reintegration into the society through pro-social modeling and fostering trust relationships between the offender and the system.

**Pycroft**, (Aaron, and Suzie Clift, Risk and Rehabilitation: Management and Treatment of Substance Misues and Mental Health Problems in the Criminal Justice System, University of Chicago Press, 2012)

Eudaimonism has been an emerging theme in the literature on desistance from crime as an alternative to the risk-need-responsivity model of the “what works” era. This **[the] ‘good like’ model builds upon the central tenets** of strain theory **that crime can be the result of blocked opportunities to access legitimate goods**, thus **leading to a distortion in a** potential **criminal’s value or belief system, which** can **in turn leads to criminal identities.** Desistance from crime is, then, brought about through identity change and access to mainstream and stable resources such as housing, work and intimate relationship. The increasing interest in desistance has led to debate within criminal justice circles as to how to operationalize the process of desistance within probation practice. **Some of the virtues [of]** that have been identified for **social work practice are relevant to** working in **the criminal justice system and relate** in many ways **to pro-social modeling** - for example, **truthfulness, courage, honesty, modesty and justice**-in many ways, these **will be reflected in listening [and] open** and trusting **relationships**.

Second, retribution excludes from discourse because it punitively separates the offender from society, focusing on undoing actions for the victim. This rights violation prevents the agent from participating in the discourse necessary to verbally rectify the situation in the first place, so rehabilitation is a prerequisite to social recognition. Additionally, in order for society to recognize the crime as bad, it requires the inclusion of the offender, otherwise they’ll continue to violate the social norm.

Third, retribution emphasizes the individual as responsible, ignoring social conditions and isolating the offender from the righteous society.

**Reiman**, (Jeffrey Reiman. “A Radical Perspective on Crime.” Deviance: A Symbolic Interactionist Approach, ed. Nancy J. Herman. Lanham: Rowman and Littlefield Publishers, Inc. (1995), p. 100-101.)

Not only does this divert[s] our attention from the possible evils in our institutions, but [. I]t puts forth half the problem of justice as if it were the whole problem. To focus on individual guilt is to ask whether or not the individual citizen has fulfilled his obligation to his fellow citizens. It is to look away from the issue of whether his fellow citizens have fulfilled their obligations to him. To look only at individual responsibility is to look away from social responsibility. **To look only at individual criminality is** to close one’s eyes to **social injustice** and to close one’s ears to the question of whether **our social institutions have exploited or violated the individual.** Justice is a two-way street – but criminal justice is a one-way street. Individuals owe obligations to their fellow citizens because their fellows owe obligations to them. Criminal justice focuses on the first and looks away from the second. Thus, by focusing on individual responsibility for crime, the criminal justice system literally acquits the existing social order of any charge of injustice. This is an extremely important bit of ideological alchemy. It stems from the fact [that] **the same act can be criminal or not, unjust or just, depending on the conditions in which it takes place. Killing someone is ordinarily a crime. But if it is in self-defense or to stop a deadly crime, it is not.** Taking property by force is usually a crime. But of the taking is just retrieving what as been stolen, then no crime has been committed. Acts of violence are ordinarily crimes. But if the violence is provoked by the threat of violence or by oppressive conditions, then, like the Boston Tea Party, what might ordinarily be called criminal is celebrated as just. This means that when we call an act a crime we are also making an implicit judgment about the conditions in response to which it takes place. When we can an act a crime, we are saying an implicit judgment about the conditions in response to which it takes place. When we call an act a crime, we are saying that the conditions in which it occurs are not themselves criminal or deadly or oppressive or so unjust as to make an extreme response reasonable or justified, that is, to make such a response non-criminal. This means that **[thus] when the system holds an individual responsible for a crime, it is implicitly conveying the message that the social condition in which the crime occurred are not responsible for the crime,** that they are not so unjust as to make a violent response to them excusable. The criminal justice system conveys as much by what is does not do as by what it does. By holding the individual responsible, it literally acquits the society of criminality or injustice.

Alternatives aren’t consistent with the comparative structure of the resolution since it offers 2 direct options to value over. Net benefits function on impacts external to my standard, because the AC already includes in discourse, which makes their reasons for using the counterplan arbitrary whereas mine are consistent with the FW.

Underview one is util.

Rehab ends indefinite detention.

**Rabasa 10**, (Angel Rabasa, Stacie L. Pettyjohn, Jeremy J. Ghez, Christopher Boucek, Deradicalizing Islamist Extremists. RAND Corporation, NATIONAL SECURITY RESEARCH DIVISION, 2010. PG. 75-76)

Radical Islamism has been an enduring problem for many nations, but it became a prominent international priority only after the 9/11 attacks. Counterterrorism campaigns in many theaters around the world have produced a mounting number of incarcerated Islamist extremists. hese detainees present a dual problem for the nations holding them. First, **most states do not want** to hold the growing numbers of **extremists in their prisons indefinitely**, and, in many cases, they lack the resources to do so. **They have** therefore **searched for a way to rehabilitate these prisoners so that they can be released without posing a threat to society.** Second, many states have recognized that prisons are often incubators of radicalization, and in an efort to stymie this process, they have sought to tackle radicalization in their penitentiaries by reforming extremist detainees. 8 To resolve the problems of indeinite detention and radicalization, a number of states created programs to reform captured extremists. **In the Middle East and Southeast Asia, these programs were** typically **premised on the notion that the extremists had been** misled into **following an incorrect interpretation of Islam;** therefore, **the prison-based programs sought to reeducate detainees.** The militants’ worldview was discussed and refuted through a religious dialogue, usually conducted by mainstream clerics. In addition to the theological discussions, some of these programs aimed to assist the ex-militants in reintegrating into society.

Indefinite detention increases terrorism.

**Roth 08**, (Kenneth, Executive Director of Human Rights Watch, May/June 2008, “After Guantanamo: The Case Against Preventive Detention.” Foreign Affairs)

Preventive **detention** also **discourages citizens from cooperating with** counterterrorist **investigations, a crucial factor in uncovering terrorist plots.** Counterterrorism experts report that information gleaned from interrogating detainees is far less important than **info**rmation **delivered by members of the** general **public who see something suspicious and report it**. For example, information given by relatives of the perpetrators and the general public was key to the arrest of those responsible for the **[like] attempted bombings in London** on July 21, 2005. Similarly, a British Muslim who found an acquaintance's behavior suspicious led the police. Because **sympathy for the victims of abusive** counterterrorism **policies [is high]** tends to be greatest in the communities that give rise to terrorists, policies such as preventive **detention jeopardize this vitally important source of intelligence to discover [bomb plots]** the plot to bomb several transatlantic flights using liquid explosives in August 2006.

Extinction.

**Wilkinson 10**, (Claire Wilkinson, [Vice President – Global Issues], Robert P. Hartwig, [Ph.D., CPCU], “TERRORISM RISK: A REEMERGENT THREAT”, Insurance Information Institute, 2010)

Despite the differing viewpoints, the overall consensus appears to be that terrorism risk is an ongoing and in some cases growing threat. Here are some of the most recent projections and predictions on the terrorism threat: • Transit System Threat: Following the March 29, 2010 attacks by suicide bombers on the Moscow subway that killed 39 people, New York City Mayor Michael Bloomberg announced that the New York City Police Department (NYPD) has stepped up its patrol of the subways. “We will learn from the terrible tragedy in Moscow, and we will continue to do everything possible to protect our transit system – and our entire city – from the threat of terrorism,” Bloomberg said. • Cyber Terrorism: FBI director Robert Mueller says the **threat of cyber terror**ism **is real and rapidly expanding** and warns that militant groups, foreign states and criminal organizations pose a growing threat to U.S. security as they target government and private computer networks.3 Speaking at an Internet security conference in March 2010, Mueller said militant groups like **al Qaeda had primarily used the Internet to recruit** members **and plan attacks**, but they have shown a clear interest in combining physical attacks with cyber attacks. Mueller’s comments follow a number of recent international Internet security incidents including an attack in January 2010 on computer networks at Google and around 30 other U.S. corporations that is believed to have originated in China. • Maritime Threat: On March 3, 2010, the Singapore navy warns that a terrorist group may be planning attacks on oil tankers in the Strait of Malacca, one of the world’s busiest shipping lanes. An advisory issued by the Singapore navy Information Fusion Centre (IFC) recommends that ships should “strengthen their on-board security measures and adopt community reporting to increase awareness and strengthen the safety of all seafarers.” • Country Risk: A global ranking of 196 countries by risk analyst Maplecroft published in February 2010 rates Iraq as the country most at risk for terrorist attacks for the second year running, followed by Afghanistan, Pakistan and Somalia. Other extreme risk nations are Lebanon, India, Algeria, Colombia and Thailand. • Economic Threat: The World Economic Forum Global Risk Report 2010 reports that international **terrorists** continue to **mount sizeable attacks, causing significant economic and human losses.** Drivers of increasing risk include: instability on the Indian sub-continent, particularly Indo-Pakistani relations but also indigenous movements such as Naxalites; the level of political radicalization from the economic crisis; weak governance in parts of Africa provides alternative retreat positions to Afghanistan and Pakistan. • Weapons of Mass Destruction (WMD): James Jones, White House national security adviser, tells USA Today4 : “**Of all** the things **that could be the nightmare scenario, what’s the biggest** nightmare scenario? **Thirty years ago, one** of my predecessors **would have said nuclear war** with Russia. **Today,** as I’m in this chair, I can tell you **it’s** proliferation, the **acquisition of a w**eapon of **m**ass **d**estruction **by a terrorist organization.**” Regional Terrorism Threat: Aon’s 2009 Terrorism Threat Map shows a more settled outlook for North America, Europe and Australia and attributes this to better counter-terrorism capability. However, it warns that the global recession could lead to a new generation of terrorists emerging from disaffected communities in a re-emergence of class-based politics.

Underview two is Put Up Your Dukes.

The aff gets to choose the comparative and sufficient mechanism for ethical evaluation and resolution framing interpretations.

The A point is time skew. Negs win tons of outrounds because the 7-4 skew and the proliferation of counterwarrants means NCs can uplayer the debate with prestandards and framework. AFC checks this back since I only need to win offense to win instead of having to justify a framework. This precludes other notions of time because persuasive appeals don’t matter if the neg can line by line all my arguments, and judges are less likely to buy tricks with ink next to them. Time precludes any other internal link since arguments don’t matter if you don’t have the ability to make them. To reject this standard, the neg must offer an alternative way to rectify the skew implementable in this round since aff choice always has a risk to help. This is empirically verified—AFC sets the parameters in policy and side wins are comparatively more balanced.

The B point is philosophy education. AFC increases philosophy education because smart affirmatives won’t choose the same goddamn framework every round or negs will crush them every time by shitting 12 DAs on case. Aff choice encourages 1ACs to come up with new fair frameworks to surprise negs with, and negs have to do more philosophy research to have turns and keep up with the trends. This isn’t defensive—without AFC, cool aff frameworks can be mitigated by negs uplayering with metaethics and triggers. Key to education to understand the normative basis for why we think certain actions are good.

And, no predictability deficit A) I have no idea what prep circles my opponent’s a part of, so they could very much know what’s coming so don’t buy unabashed abuse claims. B) Predictability destroys critical thinking because it teaches us to be robots and rely on blocks instead of coming up with creative responses to new positions as key to education since the ability to creatively analyze arguments is a cornerstone for deeper understanding. C) This is the TOC—sorry I’m not reading the stockest aff on the topic, you had 5 months to prep, don’t punish me because you didn’t do the work.